

1-1 By: Hughes S.B. No. 668
 1-2 (In the Senate - Filed February 6, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on Education; April 11, 2019,
 1-4 reported favorably by the following vote: Yeas 10, Nays 0;
 1-5 April 11, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West			X	

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to data collection, reporting, and notice requirements for
 1-22 certain educational entities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. DATA COLLECTION, REPORTING, AND UTILIZATION

1-25 SECTION 1.01. Section 5.001, Education Code, is amended by
 1-26 adding Subdivision (1-a) to read as follows:

1-27 (1-a) "Child who is homeless," "person who is
 1-28 homeless," and "student who is homeless" have the meaning assigned
 1-29 to the term "homeless children and youths" under 42 U.S.C. Section
 1-30 11434a.

1-31 SECTION 1.02. Section 21.0452(b), Education Code, is
 1-32 amended to read as follows:

1-33 (b) The board shall make available at least the following
 1-34 information regarding each educator preparation program:

1-35 (1) the information specified in Sections 21.045(a)
 1-36 and (b);

1-37 (2) in addition to any other appropriate information
 1-38 indicating the quality of persons admitted to the program, the
 1-39 average academic qualifications possessed by persons admitted to
 1-40 the program, including:

1-41 (A) average overall grade point average and
 1-42 average grade point average in specific subject areas; and

1-43 (B) average scores on the Scholastic Assessment
 1-44 Test (SAT), the American College Test (ACT), or the Graduate Record
 1-45 Examination (GRE), as applicable;

1-46 (3) the degree to which persons who complete the
 1-47 program are successful in obtaining teaching positions;

1-48 (4) the extent to which the program prepares teachers,
 1-49 including general education teachers and special education
 1-50 teachers, to effectively teach:

1-51 (A) students with disabilities; and

1-52 (B) students of limited English proficiency, as
 1-53 defined by Section 29.052;

1-54 (5) the activities offered by the program that are
 1-55 designed to prepare teachers to:

1-56 (A) integrate technology effectively into
 1-57 curricula and instruction, including activities consistent with
 1-58 the principles of universal design for learning; and

1-59 (B) use technology effectively to collect,
 1-60 manage, and analyze data to improve teaching and learning for the
 1-61 purpose of increasing student academic achievement;

2-1 (6) for each semester, the average ratio of field
2-2 supervisors to candidates completing student teaching, clinical
2-3 teaching, or an internship in an educator preparation program;

2-4 (7) the percentage of teachers employed under a
2-5 standard teaching certificate within one year of completing the
2-6 program;

2-7 (8) the perseverance of beginning teachers in the
2-8 profession, based on information reported through the Public
2-9 Education Information Management System (PEIMS) providing [~~as~~
2-10 ~~determined on the basis of~~] the number of beginning teachers
2-11 ~~employed as classroom teachers [who maintain status as active~~
2-12 ~~contributing members in the Teacher Retirement System of Texas]~~ for
2-13 at least three years after certification in comparison to similar
2-14 programs;

2-15 (9) the results of exit surveys given to program
2-16 participants on completion of the program that involve evaluation
2-17 of the program's effectiveness in preparing participants to succeed
2-18 in the classroom;

2-19 (10) the results of surveys given to school principals
2-20 that involve evaluation of the program's effectiveness in preparing
2-21 participants to succeed in the classroom, based on experience with
2-22 employed program participants; and

2-23 (11) the results of teacher satisfaction surveys
2-24 developed under Section 21.045 and given to program participants at
2-25 the end of the first year of teaching.

2-26 SECTION 1.03. Section 25.001(b), Education Code, is amended
2-27 to read as follows:

2-28 (b) The board of trustees of a school district or its
2-29 designee shall admit into the public schools of the district free of
2-30 tuition a person who is over five and younger than 21 years of age on
2-31 the first day of September of the school year in which admission is
2-32 sought, and may admit a person who is at least 21 years of age and
2-33 under 26 years of age for the purpose of completing the requirements
2-34 for a high school diploma, if:

2-35 (1) the person and either parent of the person reside
2-36 in the school district;

2-37 (2) the person does not reside in the school district
2-38 but a parent of the person resides in the school district and that
2-39 parent is a joint managing conservator or the sole managing
2-40 conservator or possessory conservator of the person;

2-41 (3) the person and the person's guardian or other
2-42 person having lawful control of the person under a court order
2-43 reside within the school district;

2-44 (4) the person has established a separate residence
2-45 under Subsection (d);

2-46 (5) the person is homeless [~~, as defined by 42 U.S.C.~~
2-47 ~~Section 11302~~], regardless of the residence of the person, of
2-48 either parent of the person, or of the person's guardian or other
2-49 person having lawful control of the person;

2-50 (6) the person is a foreign exchange student placed
2-51 with a host family that resides in the school district by a
2-52 nationally recognized foreign exchange program, unless the school
2-53 district has applied for and been granted a waiver by the
2-54 commissioner under Subsection (e);

2-55 (7) the person resides at a residential facility
2-56 located in the district;

2-57 (8) the person resides in the school district and is 18
2-58 years of age or older or the person's disabilities of minority have
2-59 been removed; or

2-60 (9) the person does not reside in the school district
2-61 but the grandparent of the person:

2-62 (A) resides in the school district; and

2-63 (B) provides a substantial amount of
2-64 after-school care for the person as determined by the board.

2-65 SECTION 1.04. Section 25.086(a), Education Code, is amended
2-66 to read as follows:

2-67 (a) A child is exempt from the requirements of compulsory
2-68 school attendance if the child:

2-69 (1) attends a private or parochial school that

3-1 includes in its course a study of good citizenship;
 3-2 (2) is eligible to participate in a school district's
 3-3 special education program under Section 29.003 and cannot be
 3-4 appropriately served by the resident district;

3-5 (3) has a physical or mental condition of a temporary
 3-6 and remediable nature that makes the child's attendance infeasible
 3-7 and holds a certificate from a qualified physician specifying the
 3-8 temporary condition, indicating the treatment prescribed to remedy
 3-9 the temporary condition, and covering the anticipated period of the
 3-10 child's absence from school for the purpose of receiving and
 3-11 recuperating from that remedial treatment;

3-12 (4) is expelled in accordance with the requirements of
 3-13 law in a school district that does not participate in a mandatory
 3-14 juvenile justice alternative education program under Section
 3-15 37.011;

3-16 (5) is at least 17 years of age and:

3-17 (A) is attending a course of instruction to
 3-18 prepare for the high school equivalency examination, and:

3-19 (i) has the permission of the child's parent
 3-20 or guardian to attend the course;

3-21 (ii) is required by court order to attend
 3-22 the course;

3-23 (iii) has established a residence separate
 3-24 and apart from the child's parent, guardian, or other person having
 3-25 lawful control of the child; or

3-26 (iv) is homeless [~~as defined by 42 U.S.C.~~
 3-27 ~~Section 11302~~]; or

3-28 (B) has received a high school diploma or high
 3-29 school equivalency certificate;

3-30 (6) is at least 16 years of age and is attending a
 3-31 course of instruction to prepare for the high school equivalency
 3-32 examination, if:

3-33 (A) the child is recommended to take the course
 3-34 of instruction by a public agency that has supervision or custody of
 3-35 the child under a court order; or

3-36 (B) the child is enrolled in a Job Corps training
 3-37 program under the Workforce Investment Act of 1998 (29 U.S.C.
 3-38 Section 2801 et seq.);

3-39 (7) is at least 16 years of age and is enrolled in a
 3-40 high school diploma program under Chapter 18;

3-41 (8) is enrolled in the Texas Academy of Mathematics
 3-42 and Science under Subchapter G, Chapter 105;

3-43 (9) is enrolled in the Texas Academy of Leadership in
 3-44 the Humanities;

3-45 (10) is enrolled in the Texas Academy of Mathematics
 3-46 and Science at The University of Texas at Brownsville;

3-47 (11) is enrolled in the Texas Academy of International
 3-48 Studies; or

3-49 (12) is specifically exempted under another law.

3-50 SECTION 1.05. Section 28.025(i), Education Code, is amended
 3-51 to read as follows:

3-52 (i) If an 11th or 12th grade student who is homeless or in
 3-53 the conservatorship of the Department of Family and Protective
 3-54 Services transfers to a different school district and the student
 3-55 is ineligible to graduate from the district to which the student
 3-56 transfers, the district from which the student transferred shall
 3-57 award a diploma at the student's request, if the student meets the
 3-58 graduation requirements of the district from which the student
 3-59 transferred. [~~In this subsection, "student who is homeless" has
 3-60 the meaning assigned to the term "homeless children and youths"
 3-61 under 42 U.S.C. Section 11434a.~~]

3-62 SECTION 1.06. Section 29.081(d), Education Code, is amended
 3-63 to read as follows:

3-64 (d) For purposes of this section, "student at risk of
 3-65 dropping out of school" includes each student who is under 26 years
 3-66 of age and who:

3-67 (1) was not advanced from one grade level to the next
 3-68 for one or more school years;

3-69 (2) if the student is in grade 7, 8, 9, 10, 11, or 12,

4-1 did not maintain an average equivalent to 70 on a scale of 100 in two
 4-2 or more subjects in the foundation curriculum during a semester in
 4-3 the preceding or current school year or is not maintaining such an
 4-4 average in two or more subjects in the foundation curriculum in the
 4-5 current semester;

4-6 (3) did not perform satisfactorily on an assessment
 4-7 instrument administered to the student under Subchapter B, Chapter
 4-8 39, and who has not in the previous or current school year
 4-9 subsequently performed on that instrument or another appropriate
 4-10 instrument at a level equal to at least 110 percent of the level of
 4-11 satisfactory performance on that instrument;

4-12 (4) if the student is in prekindergarten,
 4-13 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
 4-14 a readiness test or assessment instrument administered during the
 4-15 current school year;

4-16 (5) is pregnant or is a parent;

4-17 (6) has been placed in an alternative education
 4-18 program in accordance with Section 37.006 during the preceding or
 4-19 current school year;

4-20 (7) has been expelled in accordance with Section
 4-21 37.007 during the preceding or current school year;

4-22 (8) is currently on parole, probation, deferred
 4-23 prosecution, or other conditional release;

4-24 (9) was previously reported through the Public
 4-25 Education Information Management System (PEIMS) to have dropped out
 4-26 of school;

4-27 (10) is a student of limited English proficiency, as
 4-28 defined by Section 29.052;

4-29 (11) is in the custody or care of the Department of
 4-30 Family and Protective Services or has, during the current school
 4-31 year, been referred to the department by a school official, officer
 4-32 of the juvenile court, or law enforcement official;

4-33 (12) is homeless~~[, as defined by 42 U.S.C. Section~~
 4-34 ~~11302, and its subsequent amendments];~~ or

4-35 (13) resided in the preceding school year or resides
 4-36 in the current school year in a residential placement facility in
 4-37 the district, including a detention facility, substance abuse
 4-38 treatment facility, emergency shelter, psychiatric hospital,
 4-39 halfway house, cottage home operation, specialized child-care
 4-40 home, or general residential operation.

4-41 SECTION 1.07. Section 29.153(b), Education Code, is amended
 4-42 to read as follows:

4-43 (b) A child is eligible for enrollment in a prekindergarten
 4-44 class under this section if the child is at least three years of age
 4-45 and:

4-46 (1) is unable to speak and comprehend the English
 4-47 language;

4-48 (2) is educationally disadvantaged;

4-49 (3) is ~~[a] homeless [child, as defined by 42 U.S.C.~~
 4-50 ~~Section 11434a]~~, regardless of the residence of the child, of
 4-51 either parent of the child, or of the child's guardian or other
 4-52 person having lawful control of the child;

4-53 (4) is the child of an active duty member of the armed
 4-54 forces of the United States, including the state military forces or
 4-55 a reserve component of the armed forces, who is ordered to active
 4-56 duty by proper authority;

4-57 (5) is the child of a member of the armed forces of the
 4-58 United States, including the state military forces or a reserve
 4-59 component of the armed forces, who was injured or killed while
 4-60 serving on active duty;

4-61 (6) is or ever has been in the conservatorship of the
 4-62 Department of Family and Protective Services following an adversary
 4-63 hearing held as provided by Section 262.201, Family Code; or

4-64 (7) is the child of a person eligible for the Star of
 4-65 Texas Award as:

4-66 (A) a peace officer under Section 3106.002,
 4-67 Government Code;

4-68 (B) a firefighter under Section 3106.003,
 4-69 Government Code; or

5-1 (C) an emergency medical first responder under
5-2 Section 3106.004, Government Code.

5-3 SECTION 1.08. Section 31.103(b), Education Code, is amended
5-4 to read as follows:

5-5 (b) A school district or open-enrollment charter school
5-6 shall make a requisition for instructional material using the
5-7 online requisition program maintained by the commissioner [~~not~~
5-8 ~~later than June 1 of each year~~]. The publisher or manufacturer
5-9 shall fill a requisition approved by the agency.

5-10 SECTION 1.09. Sections 33.906(a) and (c), Education Code,
5-11 are amended to read as follows:

5-12 (a) Except as provided by Subsection (e), each school that
5-13 maintains an Internet website shall post on the website information
5-14 regarding local programs and services, including charitable
5-15 programs and services, available to assist [~~homeless~~] students who
5-16 are homeless.

5-17 (c) A representative of a local program or service available
5-18 to assist [~~homeless~~] students who are homeless may request to have
5-19 information concerning the program or service posted on a school's
5-20 website. A school may determine the information that is posted on
5-21 the school's website and is not required to post information as
5-22 requested by the representative.

5-23 SECTION 1.10. Section 38.209(a), Education Code, is amended
5-24 to read as follows:

5-25 (a) Not later than the 10th business day after the date a
5-26 school personnel member or school volunteer administers an
5-27 epinephrine auto-injector in accordance with a policy adopted under
5-28 Section 38.208(a), the school shall report the information required
5-29 under Subsection (b) to:

5-30 (1) the school district, the charter holder if the
5-31 school is an open-enrollment charter school, or the governing body
5-32 of the school if the school is a private school;

5-33 (2) the physician or other person who prescribed the
5-34 epinephrine auto-injector; and

5-35 (3) [~~the commissioner of education; and~~
5-36 ~~(4)~~] the commissioner of state health services.

5-37 SECTION 1.11. Section 39.0233(a), Education Code, is
5-38 amended to read as follows:

5-39 (a) The agency, in coordination with the Texas Higher
5-40 Education Coordinating Board, shall adopt a series of questions to
5-41 be included in an end-of-course assessment instrument administered
5-42 under Section 39.023(c) to be used for purposes of Subchapter F-1,
5-43 Chapter 51. The questions adopted under this subsection must be
5-44 developed in a manner consistent with any college readiness
5-45 standards adopted under [~~Section 39.233 and~~] Subchapter F-1,
5-46 Chapter 51.

5-47 SECTION 1.12. Section 39.410(c), Education Code, is amended
5-48 to read as follows:

5-49 (c) The commissioner shall ensure that an evaluation
5-50 conducted under this section includes an assessment of whether
5-51 student achievement has improved. [~~Results of the evaluation shall~~
5-52 ~~be provided through the online clearinghouse of information~~
5-53 ~~relating to the best practices of campuses and school districts~~
5-54 ~~established under Section 7.009.~~]

5-55 SECTION 1.13. Section 2265.001(a), Government Code, is
5-56 amended to read as follows:

5-57 (a) In this section, "governmental entity" means:

5-58 (1) a board, commission, or department of the state or
5-59 a political subdivision of the state, including a municipality, a
5-60 county, or any kind of district other than a school district; or

5-61 (2) an institution of higher education as defined by
5-62 Section 61.003, Education Code.

5-63 ARTICLE 2. OPEN-ENROLLMENT CHARTER SCHOOLS

5-64 SECTION 2.01. Section 12.101, Education Code, is amended by
5-65 adding Subsection (b-10) to read as follows:

5-66 (b-10) The commissioner by rule shall allow a charter holder
5-67 to provide written notice of the establishment of a new
5-68 open-enrollment charter school under Subsection (b-4)(2) up to 18
5-69 months before the date on which the campus is anticipated to open.

6-1 Notice provided to the commissioner under this section does not
6-2 obligate the charter holder to open a new campus.

6-3 SECTION 2.02. Section 12.1101, Education Code, is amended
6-4 to read as follows:

6-5 Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR
6-6 ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a
6-7 procedure for providing notice to the following persons on receipt
6-8 by the commissioner of an application for a charter for an
6-9 open-enrollment charter school under Section 12.110 or of notice of
6-10 the establishment of a campus as authorized under Section
6-11 12.101(b-4):

6-12 (1) the superintendent and the board of trustees of
6-13 each school district from which the proposed open-enrollment
6-14 charter school or campus is likely to draw students, as determined
6-15 by the commissioner; and

6-16 (2) each member of the legislature that represents the
6-17 geographic area to be served by the proposed school or campus, as
6-18 determined by the commissioner.

6-19 SECTION 2.03. Section 12.114, Education Code, is amended by
6-20 adding Subsection (d) to read as follows:

6-21 (d) A charter holder may submit a request for approval for
6-22 an expansion amendment up to 18 months before the date on which the
6-23 expansion will be effective. A request for approval of an expansion
6-24 amendment does not obligate the charter holder to complete the
6-25 proposed expansion.

6-26 ARTICLE 3. REPEALER

6-27 SECTION 3.01. The following provisions of the Education
6-28 Code are repealed:

- 6-29 (1) Section 7.009;
- 6-30 (2) Section 25.007(a-1);
- 6-31 (3) Section 39.233; and
- 6-32 (4) Section 44.903.

6-33 ARTICLE 4. EFFECTIVE DATE

6-34 SECTION 4.01. This Act applies beginning with the 2019-2020
6-35 school year.

6-36 SECTION 4.02. This Act takes effect immediately if it
6-37 receives a vote of two-thirds of all the members elected to each
6-38 house, as provided by Section 39, Article III, Texas Constitution.
6-39 If this Act does not receive the vote necessary for immediate
6-40 effect, this Act takes effect September 1, 2019.

6-41 * * * * *